

REMARKS/ARGUMENTS

Claims 1, 2 and 4 through 7 remain in this application.

Claim 3 has been canceled.

Claims 1 and 7 have been amended.

In response to the Office Action of May 14, 2008, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejection under 35 USC 103(a)

In the Final Rejection of May 14, 2008 Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. §103 as being unpatentable over Jensen (U.S. Patent No. 4,519,657) in view of Greene (U.S. Patent No. 6,284,336). Claim 3 was rejected under 35 U.S.C. §103 as being unpatentable over Jensen in view of Greene further in view of Zemon (U.S. Patent No. 5,603,389). Claim 6 was rejected under 35 U.S.C. §103 as being unpatentable over Jensen in view of Greene further in view of Fawley (U.S. Publication 2002/0095905). Claim 7 was rejected under 35 U.S.C. 103 as being unpatentable over Jensen in view of Green and further in view of Jordan (U.S. Patent No. 6,422,783).

Applicant's claimed invention as now presented is believed to define patentable subject matter over the prior art cited and applied in the prior Office Action. Claims 1 and 7 have been

amended to more clearly define applicant's invention and claim 3 has been canceled.

Applicant's invention is directed to a power pedestal assembly that is extremely strong and durable yet light in weight. The assembly is comprised of a hollow rectangular post and a structural retainer cap having unique attributes. Power pedestals are commonly used as a stable platform from which all sorts of power equipment such as; general electrical power receptacles, cable television boxes, telephone boxes and other types of exterior junction boxes or power equipment. In practice the wires or cables for these various end uses are buried underground and brought up through the bottom of the pedestal for connection to a junction box or device that is mounted on the power pedestal assembly.

Prior art power pedestals have typically been made from wood, or metal or concrete. These materials are heavy, difficult to transport and install and are subject to weathering which ultimately leads to early failure. Some have suggested the use of polymeric material for the purpose of constructing a utility type pedestal these posts lack the structural properties which are critical in supporting heavy loads, particularly in harsh natural environments.

Applicant's power pedestal is relatively light weight, at approximately 44 pounds, yet it is capable of supporting approximately 800 pounds. This makes the power pedestal easily transportable, and easy to place into ground. Owing to applicant's unique configuration the power pedestal is capable of meeting the stringent Florida Building Code 2001 wind load requirements without the need for additional concrete anchoring or mechanical attachment to a fixed object such as bolts into a concrete base, jetty, wharf, etc. The direct burial technique reduces the time, effort and expense associated with the installation of the power pedestal. In addition, as compared to other products applicant's power pedestal will outlast a typical wood or concrete installation. Furthermore, the three foot pedestal direct burial method without the use of concrete complies with the Florida Building Code 2001 wind load requirements. As noted in the code; ...buildings, structures and parts thereof shall be designed to the minimum wind loads prescribed herein.... Within Florida these minimum wind loads can range from 100 to 150 miles per hour dependent on the location of the structure to be installed. Applicant's power pedestal installation exceeds this wind requirement for all areas of the state of Florida.

The Jensen patent discloses a post mounted service unit with power distribution devices, meters, etc. In contrast to applicant's device, one of the main objectives of the Jensen post is to provide a frangible mounting means (see Jensen col. 2 lines 47 through 64). In Jensen the body 1 has an integrally cast base 2 which can be bolted directly to a jetty, wharf, etc or to cast concrete set in the ground. The bolts 16 are preferably frangible and may be chosen from low tensile material such as nylon, aluminum, brass etc (Col 4 lines 62-68). The teaching of Jensen is in direct opposition to the teachings of applicant's invention as presently claimed.

The Jensen patent discloses a cap 79 as illustrated in figure 16. As disclosed in column 7 lines 25 through 35, cap 79 includes a rim portion 80 that extends beyond the wall of the service unit body. A diffuser 81 extends between the rim 80 and the unit body.

The diffuser 81 transmits light produced by lamp 78 mounted within the cap 79. The Jensen patent does not teach the use of a structural reinforcing cap such as disclosed and claimed by applicant. Applicant's invention, as now claimed, includes a top rectangular surface having a length and a width approximately equal in size to said first open end, side walls

extending perpendicularly from said top rectangular surface that frictionally engage the interior surface of the hollow rectangular post which substantially prevents movement of said exterior surface and a plurality of fasteners connecting the structural reinforcing cap to the load bearing walls of the post. The Jensen patent lacks any suggestion of a structural reinforcing cap and no actual or equivalent structure that would meet the limitations of applicant's invention as presently claimed.

The other references of record, both cited and applied, fail to render the invention as set forth in claims 1 and 7 either anticipated or unpatentable. Claims 2 and 4 through 6 in addition to setting forth their own patentable features are believed to be allowable as being dependent upon an allowable independent claim.

As regards claim 5 the Examiner has cited and relied upon the Greene patent and noted Col 3 lines 30-34. Claim 5 calls for; "... at least one additive to provide resistance to ultraviolet radiation..." By contrast Greene states that; "Veil 16 protects the fiberglass against ultraviolet radiation, provides a moisture barrier, protects blooming of the surface fibers of the fiberglass and also adds strength to the pole 10." It is not readily apparent how the term "additive" is readable on the

veil 16 which is formed from a layer of polyester or other material cloth impregnated with resin.

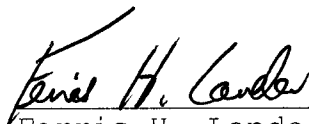
As regards claim 6, the Examiner has cited Fawley to further modify Jensen when taken in view of Greene. The Fawley reference discloses a mix of about 70% of glass by weight. In contrast, applicant's invention as claimed, sets forth a range of about 56.5 to about 61%. It is respectfully submitted that applicant's use of the term about does not extend the claimed range of 56.5% to 61% to the value of 70% as disclosed by Fawley, hence there is no overlap as has been suggested.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment; the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



Ferris H. Lander
Registration No. 43,377

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)